

United States District Court
For The District of Wyoming

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2023 SEP 18 PM 1:17

Kelly H. Rankin, Chief United States Magistrate Judge
GARET BOTKINS, CLERK
CHEYENNE

Abby Logan, Courtroom Deputy
FTR, Court Reporter

September 18, 2023

UNITED STATES OF AMERICA
Plaintiff,

vs.

Government Attorney:
Ariel Calmes

Case No. L:23-PO-00135-KHR/
L:23-PO-00136-KHR

MITCHELL BAKER/
STERLING BAKER,

Defendants.

Defendants' Attorneys:
Pro se

COURTROOM MINUTES
BENCH TRIAL

9:26 a.m. Court begins with all participants appearing via ZOOM.

9:27 a.m. Defendants issued the oath by the Courtroom Deputy.

9:28 a.m. Judge asks the defendants questions to confirm that they understand what is going on today.

9:30 a.m. Defendants confirm to Judge Rankin that they still wish to continue in this matter with a video trial today and they confirm as does the attorney for the United States.

9:31 a.m. Opening statement waived by the attorney for the United States.

9:32 a.m. Opening statement waived by Mitchell Baker.

9:33 a.m. Opening statement by Sterling Baker.

9:34 a.m. **Fish and Wildlife Services Officer Joshua Roth called by Ariel Calmes for the Government.** Sworn in by the Courtroom Deputy.

9:35 a.m. Direct examination of Officer Roth by the Government. Government Exhibit 1, 2 offered, no objections, admitted by the Court.

10:09 a.m. Judge Rankin asks clarifying questions of Officer Roth.

10:10 a.m. Cross examination of Officer Roth by Mitchell Baker.

10:22 a.m. Cross examination of Officer Roth by Sterling Baker.

10:35 a.m. Re-direct examination of Officer Roth by Ariel Calmes for the Government.

10:37 a.m. No follow-up questions by Mitchell Baker. Sterling Baker asks a follow-up question and Officer Roth responds.

10:40 a.m. Officer Roth excused from the witness stand. Government rests.

10:41 a.m. Judge turns to the defendants and asks if they wish to call any witness including themselves. Judge informs them of their rights to remain silent.

10:42 a.m. Mitchell Baker informs the Judge that he does not wish to call any outside witness nor himself. **Sterling Baker informs the Judge that he will call his brother, Mitchell Baker** and Judge advises them both accordingly.

10:43 a.m. Direct examination of Mitchell Baker by Sterling Baker. Defense Exhibit 5 offered, objected to, admitted by the Court.

10:51 a.m. Cross examination of Mitchell Baker by Ariel Calmes for the Government.

10:59 a.m. Follow-up questions of Mitchell Baker by Sterling Baker.

11:02 a.m. Mitchell Baker excused from the witness stand. Sterling Baker rests.

11:03 a.m. Government recalls Officer Roth and the officer is reminded by the Judge that he remains under oath. Direct examination of Officer Roth by Ariel Calmes for the Government.

11:04 a.m. Judge asks follow-up of Officer Roth and the officer responds.

11:07 a.m. Mitchell Baker asks follow-up of Officer Roth and the officer responds.

11:08 a.m. Sterling Baker asks follow-up of Officer Roth and the officer responds.

11:09 a.m. Re-direct by Ariel Calmes for the Government.

11:10 a.m. Evidence closed. Closing argument by Ariel Calmes for the Government.

11:11 a.m. Closing argument by Mitchell Baker.

11:12 a.m. Closing argument by Sterling Baker.

11:14 a.m. Rebuttal closing argument by Ariel Calmes for the Government.

11:16 a.m. Judge addresses the parties.

11:24 a.m. Judge finds the Government has met its burden of proof and finds both defendants guilty beyond a reasonable doubt.

11:25 a.m. Mitchell Baker addresses the Court before Sentencing.

11:26 a.m. Sterling Baker addresses the Court before Sentencing.

11:28 a.m. Ariel Calmes makes sentencing recommendations to the Court.

11:31 a.m. Judge speaks to the defendants.

11:32 a.m. Mitchell Baker responds.

11:33 a.m. Sterling Baker responds.

11:34 a.m. Government responds.

11:34 a.m. The Judge sentences both defendants to the following. 2 years unsupervised probation with the following special conditions: 1. Violate no federal, state, local or tribal law. 2. Pay the \$50 monetary obligation (\$30 processing fee, \$10 special assessment per citation) due on or before 9/25/23. 3. Not access or be permitted on the lands of the National Elk Refuge (need proper name) for a period of 2 years.

11:40 a.m. Judge informs defendants of their right to appeal.

11:41 a.m. Court recessed.